

Duane Morris⁺

FROM AND TO THE OFFICE

EVE KLEIN
DIRECT DIAL 212 692 1065
PERSONAL FAX 212 202 7559
E-MAIL E.Klein@duanemorris.com

www.duanemorris.com

May 16, 2008

SO ORDERED

George B. Daniels
HON. GEORGE B. DANIELS

MAY 19 2008

VIA FEDERAL EXPRESS
Honorable George B. Daniels
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street - Room 630
New York, NY 10007-1316

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**Re: Cheryl Gibbs v. Verizon Pension Plan for New York
and New England Associates, Case No.: 07 Civ. 9851**

Dear Judge Daniels:

We represent the defendant, Verizon Pension Plan for New York and New England Associates (the "Pension Plan"). As you may recall, in this case, the Plaintiff is challenging a determination by the Pension Plan which denied her request for disability pension benefits on the ground that she failed to satisfy the several prerequisites for the same under the plain terms of the Pension Plan.

We write to request a brief extension of our time to file a motion for summary judgment on behalf of the Pension Plan, from May 21 to May 30, 2008. This request is necessitated by the fact that the Pension Plan needs a few more days to complete its review of all documentation relevant to this motion. Following the conference and at the Court's suggestion, the Pension Plan did extend a settlement offer to the Plaintiff in an effort to resolve this matter without expending the time, effort and expense associated with compiling all relevant documentation and drafting the summary judgment motion. It took the Plaintiff weeks to decide she was rejecting the Pension Plan's offer, which resulted in us being behind schedule for preparation of the motion.

During our preliminary conference on March 26, 2008, Your Honor requested that we prepare an agreed upon motion schedule and that Defendant's moving papers be filed with sufficient time for the Court to review them before the next conference on June 11, 2008. With this brief filing extension, the papers will still be filed sufficiently in advance of the conference

DUANE MORRIS LLP

1510 BROADWAY NEW YORK, NY 10036-4086
DM12 14531601

PHONE 212 692 1000 FAX 212 692 1020

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for the Court to review them.¹ No prior requests for extension of our time to file these papers have been made. Ms. Gibbs has not consented to our extension request on the stated ground that she also has a case pending against Social Security and wants this case to be completed promptly.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Eve I. Klein". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eve I. Klein

EIK/jb
cc: Ms. Cheryl Gibbs (via Federal Express)

With this extension, all other service dates would be extended nine days. So Ms. Gibbs' opposition papers would be pushed back from June 23 to July 1, 2008, and the Pension Plan's reply, if any, would be adjourned from July 11 to July 20, 2008.